

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

DECISION AND ORDER

09-CR-6076L

v.

ANTHONY C. HOWE, SR.,


Defendant.

By Order entered March 20, 2009, United States Magistrate Judge Marian W. Payson granted the Government's motion to detain the defendant on the grounds of danger to the community. By Motion filed June 3, 2010 (Dkt. #28), defendant moves this Court to review that Detention Order and to release the defendant with conditions. I deny the motion, affirm the Magistrate Judge's Order of Detention and find that the defendant, Anthony C. Howe, Sr., should be detained because he does pose a serious risk to the community.

The defendant and the attorneys appeared for argument on the appeal before this Court on June 30, 2010. The Court heard counsel and the Government submitted three exhibits, one of which (Govt. Ex. 1) was a letter that had previously been submitted to the Magistrate Judge on March 13, 2009, which contained several exhibits relating to Howe's prior convictions, together with supporting documents.

Although the three prior convictions occurred several years ago, they all involve sexual abuse of minors. At the proceeding before this Court, the Government referenced several statements that the defendant made when arrested on this matter relating to his interests in and his desire to have contact with minors. The material allegedly seized from computers accessed by the defendant depict child pornography involving young children. It is obvious, at least for these proceedings, that defendant continues to have an interest in sexual activity involving minors. It is, therefore, for these reasons and for the reasons that I stated in open court on the record on June 30, 2010, ordered that the defendant, Anthony C. Howe, Sr., continue to be detained on the grounds that, by clear and convincing evidence, I find that he poses a substantial risk to other persons and the community. I agree with the Magistrate Judge that detention is not warranted on risk of flight.

IT IS SO ORDERED.



DAVID G. LARIMER
United States District Judge

Dated: Rochester, New York
July 1, 2010.